

ORDINANCE _____

AN ORDINANCE related to monorail transit, authorizing the Mayor to execute an agreement with the Seattle Popular Monorail Authority to allow the non-exclusive use of certain City of Seattle streets and rights-of-way for the Seattle Monorail Green Line Project, authorizing the Mayor to execute further agreements pursuant to and consistent with that agreement, directing that approvals of new monorail transit facilities be consistent with that agreement, authorizing certain areas of the public rights-of-way to be designated as a Monorail Transit Way, and authorizing the Seattle Design Commission to delegate certain of its functions.

WHEREAS, RCW 35.95A.050(1) authorizes a city transportation authority to use rights-of-way of a city only with the consent of that city; and

WHEREAS, in 2002, pursuant to state law, voters in Seattle approved Citizen Petition No. 1, which created the Seattle Popular Monorail Authority, known as the Seattle Monorail Project, gave the Seattle Monorail Project the power and authority to build an approximately 14-mile monorail system known as the Seattle Monorail Green Line Project, and included a finding that: “The City shall use its best efforts, consistent with the best interests of the City, to support implementation of this Proposition, including through the City’s cooperation with the [Seattle Monorail Project] consistent with City Resolution No. 30486”; and

WHEREAS, Resolution 30448 states: “[I]f a [Seattle Monorail Project] monorail plan moves forward, then the City intends to allow use of City right-of-way to construct and/or operate a monorail system in Seattle. To implement this intent, the City intends to negotiate an agreement with [the Seattle Monorail Project] to allow this use of City right-of-way. The [Seattle Monorail Project] will not be charged a fee for ongoing use of City right-of-way, but if the right-of-way needs to be expanded, the City and the [Seattle Monorail Project] will negotiate costs”; and

WHEREAS, Resolution 30486 incorporated and affirmed Resolution 30448; and

WHEREAS, in Resolution 30629, the Council expressed its intent to consider various issues when it reviews and approves the Seattle Monorail Green Line Project alignment and station locations, and a transit way agreement, including but not limited to mitigation commitments, the financial feasibility of the Seattle Monorail Green Line Project, and acceptability of the general sequencing of construction; and

WHEREAS, the Seattle Monorail Project seeks the City’s approval for use by Seattle Monorail Green Line Project of space on, under and above City streets and rights-of-way; and

WHEREAS, the City holds City streets and rights-of-way in trust for the convenience of public travel and is authorized to grant to the Seattle Monorail Project the non-exclusive right to use such streets and rights-of-way; and

WHEREAS, Ordinance 121278 added “monorail transit systems” to the definition of “essential public facilities” in Section 23.84.010 of the Seattle Municipal Code; and

WHEREAS, the Council and Mayor find that the proposed Seattle Monorail Green Line Project is consistent with and promotes the policies of the City's Comprehensive Plan; and

WHEREAS, the Council and Mayor value the input of the Monorail Review Panel (MRP, a panel created by the Seattle Design Commission and containing Seattle Design Commission representatives) on various aspects of the Seattle Monorail Green Line Project and wishes to formally ratify and confirm the ongoing role of the MRP or any similar, successor panel; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Mayor is hereby authorized to execute an agreement between the City and the Seattle Popular Monorail Authority ("Seattle Monorail Project"), substantially in the form attached as Attachment 1 to this ordinance, approving the Seattle Monorail Project's use of City streets and public rights-of-way for the Seattle Monorail Green Line Project subject to the terms of the agreement.

Section 2. Upon the approval by the Director of Transportation of final construction plans that are consistent with the terms of the agreement authorized in Section 1, the Director of Transportation is authorized to designate the areas depicted in the plans as a Monorail Transit Way, and to file the same with the City Clerk.

Section 3. The Mayor or his designee is authorized to execute an agreement or agreements between the City of Seattle and the Seattle Monorail Project, pursuant to and consistent with the agreement authorized in Section 1, that establish (es): (1) detailed timeframes, procedures and reimbursement provisions for the City's review of applications for approvals of monorail transit facilities; and (2) procedures and provisions for reimbursement of the City for City actions taken to implement the agreement authorized in Section 1.

Section 4. The Mayor or his designee is authorized to execute an agreement or agreements between the City of Seattle and the Seattle Monorail Project, pursuant to and consistent with the

1 agreement authorized in Section 1, that: (1) address (es) utility relocation services and any other City
2 construction services associated with the Seattle Monorail Green Line Project; and (2) resolve(s) related
3 matters, including but not limited to responsibilities for design and construction of utility relocations,
4 reimbursement rates, and other logistics of design, construction, inspection and acceptance.

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6 Section 5. When approving new monorail transit facilities, the Directors of the Seattle
7 Department of Transportation and the Department of Planning and Development shall ensure that the
8 terms and conditions of their respective approvals are consistent with the agreement authorized in Section
9 1.

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11 Section 6. The Seattle Design Commission may delegate review of proposed new monorail
12 transit facilities and other aspects of the Seattle Monorail Green Line Project to a panel created by the
13 Seattle Design Commission for that purpose and containing representatives of the Seattle Design
14 Commission. Any act pursuant to the authority and prior to the effective date this Section is hereby
15 ratified and confirmed.
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Section 7. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2004, and signed by me in open session in authentication of its passage this ____ day of _____, 2004.

President _____ of the City Council

Approved by me this ____ day of _____, 2004.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2004.

City Clerk

(Seal)

Attachment 1: AGREEMENT BETWEEN THE CITY OF SEATTLE AND THE SEATTLE POPULAR
MONORAIL AUTHORITY FOR GRANT OF NON-EXCLUSIVE USE OF A
MONORAIL TRANSIT WAY AS RELATED TO THE SEATTLE MONORAIL
GREEN LINE PROJECT